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6 Attorneys for Defendant,
7 Martha Kongsgaard individually and as Trustee of the
Martha Kongsgaard GST Exempt Trust U/T/A
Dated October 21, 1993

8
UNITED STATES DISTRICT COURT
9
NORTHERN DISTRICT OF CALIFORNIA

10
11 FRANCIS WANG, individually and as Trustee
12 of WFT-TNG, a California Trust,

13 Plaintiff,

14 v.

15 MARTHA KONGSGAARD, individually and
16 as Trustee of The Martha Kongsgaard GST
Exempt Trust U/T/A dated October 21, 1993,

17 Defendant.

18 Case No. 3:19-cv-00907 AGT

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**REQUEST FOR JUDICIAL NOTICE OF
ADJUDICATIVE FACTS IN SUPPORT OF
DEFENDANT MARTHA KONGSGAARD'S
OPPOSITION TO PLAINTIFF'S MOTION
FOR LEAVE TO MANED AND
SUPPLEMENT COMPLAINT AND TO
TERMINATE STAY OF PROCEEDING**

20 DATE: NOVEMBER 6, 2020
21 TIME: 10:00 A.M.
COURTROOM: A
MAGISTRATE JUDGE: ALEX TSE

22 Pursuant to Federal Rules of Evidence, Rule 201, Defendant Martha Kongsgaard,
individually and as Trustee of the Martha Kongsgaard GST Exempt Trust U/T/A dated October
23, 1993, respectfully requests that in support of her Opposition to Plaintiff's Motion for Leave
to Supplement Complaint, the Court take judicial notice of the following:

24 1. The Complaint filed by Plaintiff Martha Kongsgaard in the Napa County Superior
Court Case No. 19CV000286, on February 15, 2019, entitled *Martha Kongsgaard v. Francis
Wang, et al.* A true and correct copy of the Complaint is attached as **Exhibit A**.

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1 2. The Complaint filed by Plaintiff Francis Wang in the instant action which was
 2 filed on February 19, 2019, entitled *Francis Wang, v. Martha Kongsgaard*. A true and correct
 3 copy of the Complaint is attached as **Exhibit B**.

4 3. Defendant Martha Kongsgaard's moving papers with respect to her Motion to
 5 Dismiss or, alternatively Stay, the instance action. A true and correct copy of which is attached
 6 as **Exhibit C**.

7 4. This Court's May 15, 2019, Order staying the instant action. A true and correct
 8 copy of the Complaint is attached as **Exhibit D**.

9 5. The Cross-Complaint filed on May 24, 2019, by Defendant Francis Wang in
 10 Napa County Superior Court Case No. 19CV000286, *Martha Kongsgaard v. Francis Wang, et al.*
 11 A true and correct copy of which is attached as **Exhibit E**.

12 6. The Answer filed on May 30, 2019, by Defendant Francis Wang in Napa
 13 County Superior Court Case No. 19CV000286, *Martha Kongsgaard v. Francis Wang, et al.* A
 14 true and correct copy of which is attached as **Exhibit F**.

15 7. The Complaint filed on February 27, 2019 by Plaintiff Francis Wang in Napa
 16 County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true
 17 and correct copy of which is attached as **Exhibit G**.

18 8. The Cross-Complaint filed on April 24, 2019, by Defendant Peter Brian Peletta in
 19 Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true
 20 true and correct copy of which is attached as **Exhibit H**.

21 9. The Answer filed on April 24, 2019 by Plaintiff Francis Wang in Napa County
 22 Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true and
 23 correct copy of which is attached as **Exhibit I**.

24 10. The Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al.*
 25 *v. Peter Peletta* order issued on September 3, 2020, sanctioning Francis Wang for abuse of the
 26 discovery process in the amount of \$1,810. A true and correct copy of which is attached as
 27 **Exhibit J**.

11. The parties' joint status report to this Court filed on November 13, 2019, submitted by Plaintiff Francis Wang. A true and correct copy of which is attached as **Exhibit K.**

12. The parties' joint status report to this Court filed on September 1, 2020, submitted by Plaintiff Francis Wang. A true and correct copy of which is attached as **Exhibit L.**

13. Defendant Francis Wangs' Motion for Leave to Amend his Cross-Complaint and proposed First Amended Cross-Complaint in Napa County Superior Court, Case No. 19CV000286, *Martha Kongsgaard v. Francis Wang, et al.* filed on October 7, 2020. A true and correct copy of which is attached as **Exhibit M**.

14. Plaintiff Francis Wang's Stipulation and Order Thereon Allowing Plaintiff to File First Amended Complaint Without Motion filed on August 10, 2020 in Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true and correct copy of which is attached as **Exhibit N**.

15. Plaintiff Francis Wang's First Amended Complaint filed on August 28, 2020, in Napa County Superior Court Case No. 19CV000342, *Francis Wang, et al. v. Peter Peletta*. A true and correct copy of which is attached as **Exhibit O**.

16. The Notice of Citation issued by Napa County dated November 29, 2018, for 550 Stonecrest Drive. A true and correct copy of which is attached as **Exhibit P**.

17. The Notice of Citation issued by Napa County dated November 29, 2018, for 460 Stonecrest Drive. A true and correct copy of which is attached as **Exhibit Q**.

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1 18. The Notice of Citation issues by Napa County dated November 29, 2018, for 440
2 Stonecrest Drive. A true and correct copy of which is attached as **Exhibit R**.
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4 Dated: October 14, 2020

CLARK HILL LLP

6 By /s/ Timothy M. Flaherty

7 Timothy M. Flaherty
8 Melissa M. Palozola
9 Attorneys for Defendant,
10 Martha Kongsgaard, individually and as
11 Trustee of the Martha Kongsgaard
12 GST Exempt Trust U/T/A dated
13 October 23, 1993

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed *via* CM/ECF on October 14, 2020 and as a result has been served on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Lydia M. Brown
Lydia M. Brown